

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KEVIN MOBLEY,

Petitioner,

v.

BRIAN COLEMAN,

Respondent.

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CIVIL ACTION

NO. 09-1558

ORDER

AND NOW, this _____ day of December, 2010, upon consideration of Petitioner's Request for Stay & Abeyance of Habeas Corpus Petition (Doc. 4), Respondent's Response in Opposition thereto (Doc. 8), the Report and Recommendation filed by Magistrate Judge Elizabeth T. Hey (Doc. 12), Respondent's Objections to the Report and Recommendation (Doc. 13) and Petitioner's Cross-Objections (Doc. 14), **IT IS HEREBY ORDERED and DECREED** that:

1. Respondent's Objections to the Report and Recommendation are **OVERRULED**.
2. The Report and Recommendation is **APPROVED and ADOPTED**.
3. The Petition for Writ of Habeas Corpus is placed in suspense pending the disposition of Petitioner's exhaustion of state court remedies.

IT IS FURTHER ORDERED that, if the state collateral proceeding has concluded, the parties shall notify the Court via letter within ten (10) days of the date of this Order so the habeas petition may proceed in this Court.

IT IS FURTHER ORDERED that, if the state collateral proceeding has not concluded, Petitioner and Respondent shall notify the Court within thirty (30) days of the conclusion of the state collateral proceeding so the habeas petition may proceed in this Court.

BY THE COURT:

/s/ Petrese B. Tucker

Hon. Petrese B. Tucker, U.S.D.J.